

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

November 17, 1989



Robert J. Hoffman, Esquire
Venable, Baetjer and Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: Petition for Zoning Variance
Case No. 90-114-A
Thomas F. Mullan, III, Petitioner

Dear Mr. Hoffman:

At the conclusion of the above hearing on September 28, 1989, it was agreed that you would prepare a draft order in the matter. As of this date, I have not received the draft Order from you, nor have I received any indication as to the proposed handling of the issues raised relevant to the additional expansion and/or new home sites.

Would you please contact me, concerning this matter, as soon as possible.

Very truly yours,

J. Robert Haines
Zoning Commissioner

JRH:mmm

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

January 18, 1990



Robert Hoffman, Esquire
Venable, Baetjer and Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: The Mullan Farm - Order for Zoning Variance
Case No. 90-114-A

Dear Mr. Hoffman:

The above captioned matter still remains open. I believe the time has come for some final results.

Please let me hear from you within the next week to ten days.

Very truly yours,

J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:mmm

VENABLE, BAETJER AND HOWARD
ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

BALTIMORE, MD
WASHINGTON, D.C.
MCLEAN, VA
ROCKVILLE, MD
BETHESDA, MD
210 ALLEGHENY AVENUE
P.O. BOX 5817
TOWSON, MARYLAND 21204-5817
(301) 887-3353
FAX (301) 887-0447

February 7, 1990

WRITER'S DIRECT NUMBER IS
301-494-9181

HAND DELIVERY

J. Robert Haines
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue, 1st Floor
Towson, Maryland 21204

Re: Petition for Zoning Variance
Case No. 90-114-A
Thomas F. Mullan, III, Petitioner

Dear Mr. Haines:

Enclosed please find the revised Order for the above-captioned matter.

If you should have any questions regarding this matter, please contact me.

Yours truly,

William F. Splitzger, Jr.
William F. Splitzger, Jr.

WFS/lal

Enclosures

cc: Thomas F. Mullan, III
J. Patrick Mullan
Robert A. Hoffman, Esquire

ma-

Order O.K.
Change date

Plan must be stamped Pet. Ex. 1A

Copies of new plan need not be mailed with
the order.

RECEIVED
FEB 8 1990

ZONING OFFICE

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

90-114-A

District: 1276 Date of Posting: 9/2/89

Posted for: Venable

Petitioner: Thomas F. Mullan, III & J. Patrick Mullan

Location of property: 3520 Dance Mill Road, MD. 4/19/89 M.H.R.

Location of Sign: 1. Being Richard Lane & 1. Being Dance Mill Rd.

Remarks:

Posted by: [Signature]

Date of return: 9/13/89

Number of Signs: 2

CERTIFICATE OF PUBLICATION

TOWSON, MD., Sept 1, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on August 31, 19 89

THE JEFFERSONIAN
TOWSON TIMES,

S. Zebe Olson

Publisher

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 110 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
Petition for Zoning Variance Case No. 90-114-A SE/3 Redcoat Lane, 440' N of c/l of Dance Mill Road 10th Election District - 6th Councilmanic District
Petitioner: Thomas F. Mullan, III & J. Patrick Mullan
Hearing Date: Thursday, Sept. 28, 1989 at 9:00 a.m.
Variance: To permit minimum building setbacks as close as 12 ft. in lieu of the permitted 50 ft. for certain agricultural and residential structures in an R.C. zone.
In the event that this Petition is granted, a building permit may be issued within the next 30 day appeal period. The Zoning Commission will, however, entertain any request for a stay of the appeal period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
TOWSON, Aug. 31, 1989

PO 16257
reg H34163
ca 90-114-A
pica \$95.29

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

DATE 9-7-89



J. Patrick Mullan & Thomas F. Mullan, III
3520 Dance Mill Road
Phoenix, Maryland 21131

Re: Petition for Zoning Variance
CASE NUMBER: 90-114-A
SE/3 Redcoat Lane, 440' N of c/l of Dance Mill Road
"3520 Dance Mill Road"
10th Election District - 6th Councilmanic
Petitioner(s): Thomas F. Mullan, III & J. Patrick Mullan
HEARING SCHEDULED: THURSDAY, SEPTEMBER 28, 1989 at 9:00 a.m.

Dear Petitioners:

Please be advised that \$120.29 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before the hearing is scheduled to begin.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 077320
DATE 9/28/89 ACCOUNT 901615-000
AMOUNT \$ 120.29
RECEIVED FROM Thomas Mullan
FOR A fee for 9/28/89 hearing 90-114-A
B C I *****12025-a 32cxf
VALIDATION OR SIGNATURE OF CASHIER

post set(s), there
t for each such set

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

August 14, 1989

NOTICE OF HEARING



The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 90-114-A
SE/3 Redcoat Lane, 440' N of c/l of Dance Mill Road
"3520 Dance Mill Road"
10th Election District - 6th Councilmanic
Petitioner(s): Thomas F. Mullan, III & J. Patrick Mullan
HEARING SCHEDULED: THURSDAY, SEPTEMBER 28, 1989 at 9:00 a.m.

Variance: To permit minimum building setbacks as close as 12 ft. in lieu of the permitted 50 ft. for certain agricultural and residential structures in an R.C. zone.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

JRH:gs

cc: J. Patrick Mullan
Thomas F. Mullan, III
John B. Howard, Esq.
File

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: September 8, 1989
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Thomas F. Mullan, III, Item 559
Zoning Petition No. 90-114-A

The petitioner requests a variance for relief from the required minimum setback in a RC 4 zone. The Office of Planning and Zoning has no objection to this request.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

PK/JL/sf

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

July 24, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

RECEIVED
AUG 3 1989

ZONING OFFICE

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 525, 526, 527, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 557, 558 and 559.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF/lab

SEP 1 1 1989

BALTIMORE COUNTY, DEPARTMENT OF ENVIRONMENTAL
PROTECTION AND RESOURCE MANAGEMENT

7/11/89
Date

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 559, Zoning Advisory Committee Meeting of June 27, 1989

Property Owner: Thomas F. Mullan, III, et ux

Location: SEK Redcoat Ln, 440' NE of centerline Dance Mill Rd. District: 10

Water Supply: private Sewage Disposal: private

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- () Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements for such installation(s) before work begins.
- () A permit to construct from the Bureau of Quality Management is required for such items as spray paint processes, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Bureau of Air Quality Management is required for any charbroiler generation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 687-6500 x 315.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- () Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 887-3775.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 887-3745.
- () Soil percolation tests, have been _____, must be _____, conducted.
() The results are valid until _____
() Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test
() shall be valid until _____
() is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted. For more information contact the Division of Environmental Management at 887-3980.
- () In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2762.
- () Others _____

BUREAU OF WATER QUALITY AND RESOURCE
MANAGEMENT

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2586
(301) 887-4500

Paul H. Reincke
Chief

JUNE 26, 1989

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204



Dennis F. Rasmussen
County Executive

RE: Property Owner: THOMAS F. MULLAN, III
Location: SE/S OF REDEOAT LANE, 440' NE OF
CENTERLINE OF DANCE MILL ROAD
Item No.: 559 Zoning Agenda: JUNE 27, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: Capt James Kelly 6-26-89 Noted and Approved Capt Wm Brady
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: September 12, 1989

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for June 27, 1989

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 525, 527, 542, 543, 544, 545, 546, 548, 549, 550, 551, 552, 553, 554, 555, 557 and 559.

For Item 526, comments are attached.

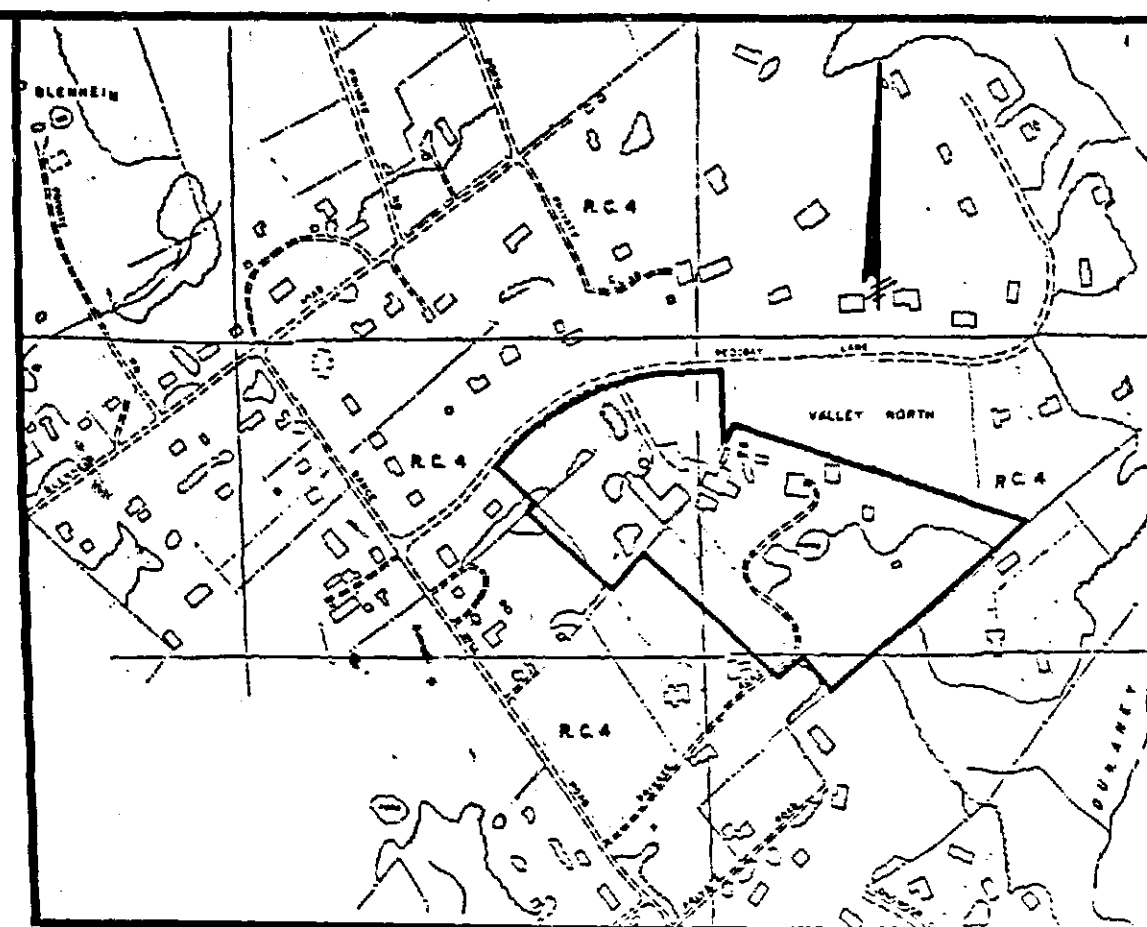
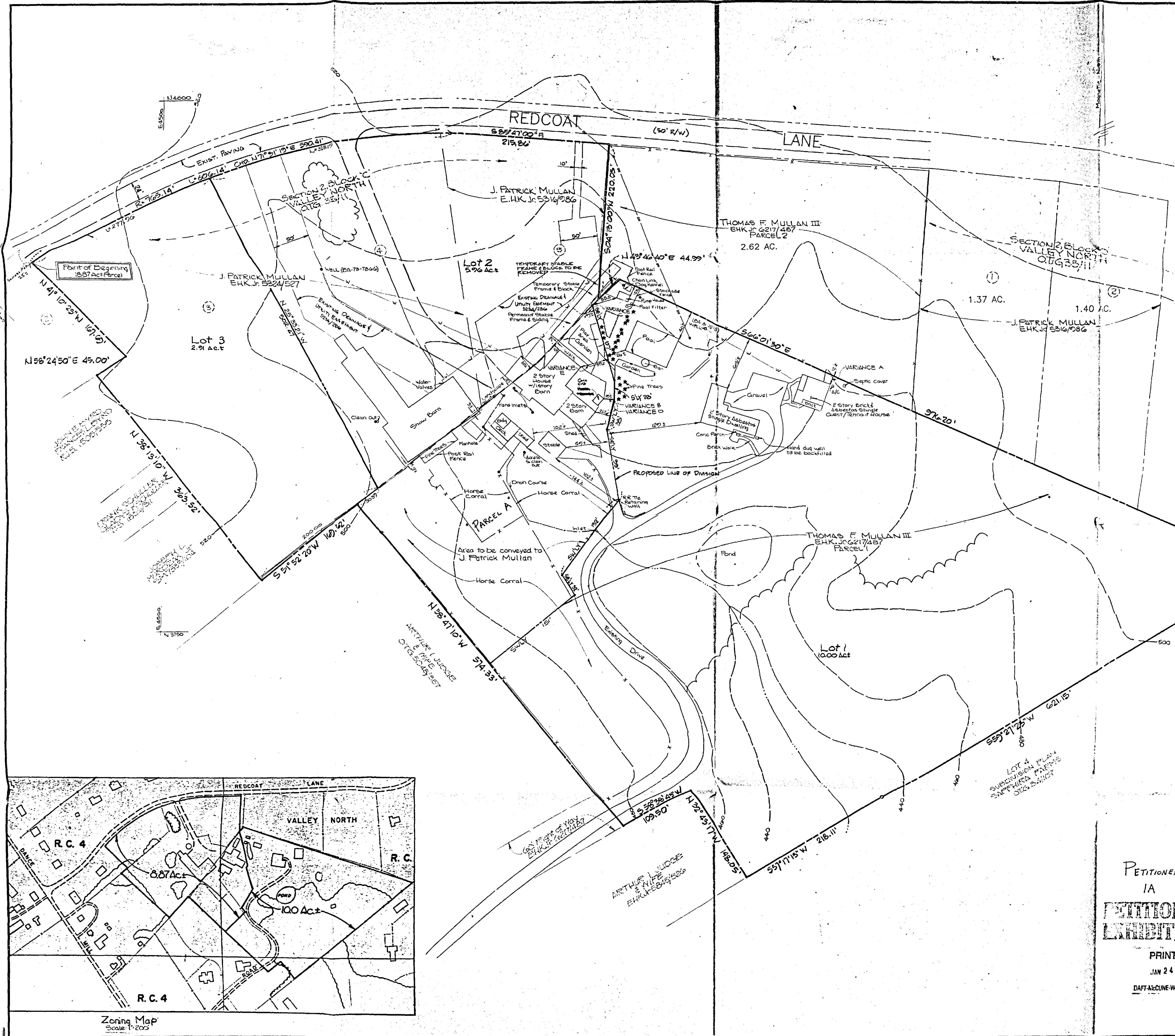
For Item 547, Glen Arm Road and Long Green Pike are existing roads, which shall ultimately be improved as 40-foot street cross-sections on 60-foot rights-of-ways. The Developer must grant the highway widening and slope easements at no cost to the County.

For Item 558, California Avenue is an existing road, which shall ultimately be improved as a 30-foot street cross-section on a 50-foot right-of-way. The Developer must grant the highway widening and slope easement at no cost to the County.

Robert W. Bowling, P.E., Chief
Developers Engineering Division

RWB:s

Encl.



VICINITY MAP
Scale: 1"=500'

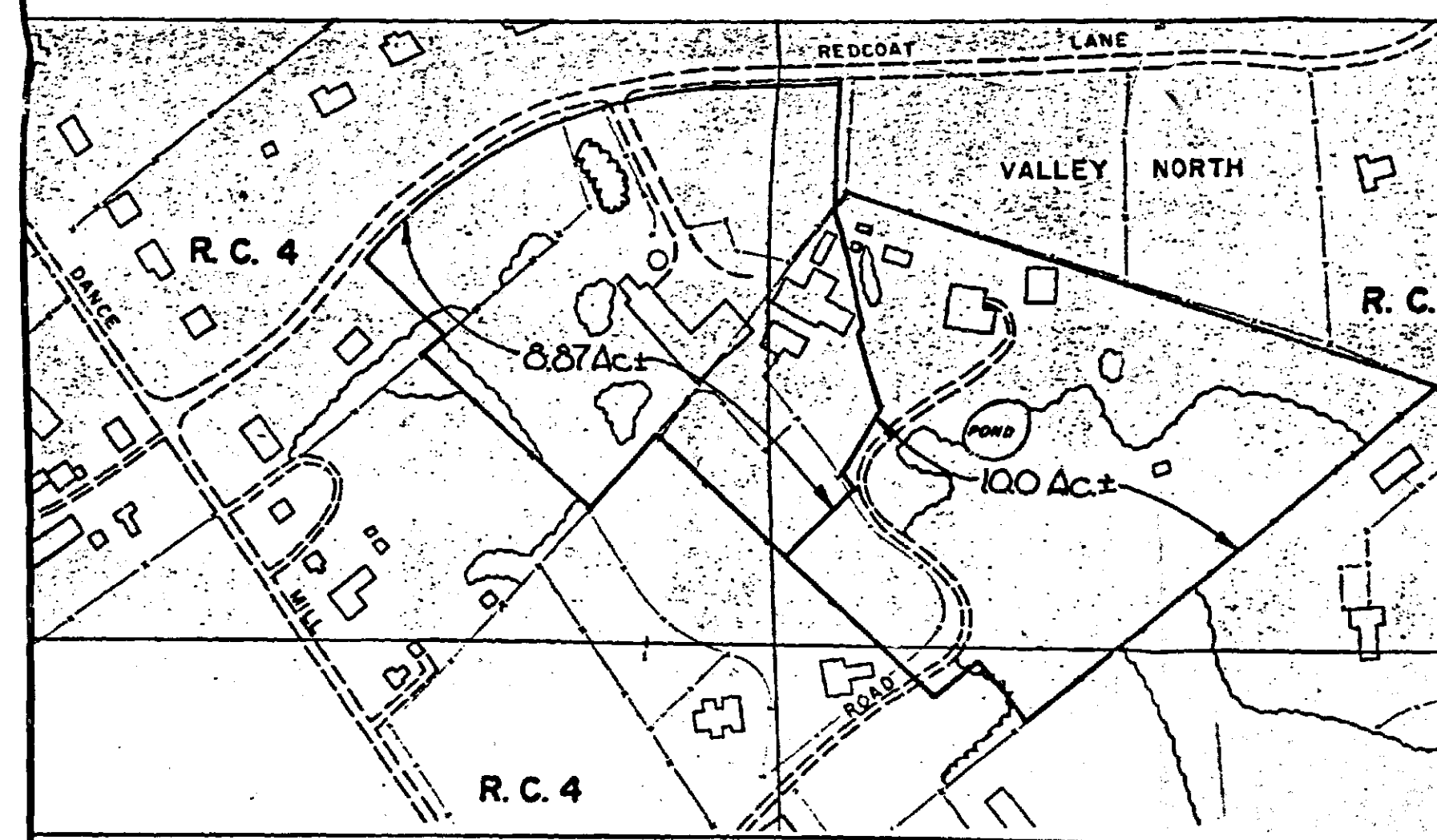
NOTE: Map shown hereby is from
Baltimore County Office of Planning
and Zoning
and is subject to change without notice.
Surveyed by DAFT-McCUNE-WALKER, INC.

General Notes

1. Election District 10, Council District 6
2. Properties and surrounding areas are zoned RC-4.
3. The use and dimensions of all buildings are as shown. Adjoining properties are residential.
4. At least two off-street parking spaces shall be provided for each dwelling.
5. Properties are not served by public water or sewer facilities.
6. Variances covered on this plat are:
 - a. 12' setback to guest/tenant house
 - b. 15' setback to detached garage
 - c. 20' setback to frame and siding stable
 - d. 21' setback to 2 story barn
 - e. 39' setback to 2 story house w/ 1 story barn
7. Area to be retained by Thomas F. Mullan, III = 10.00 Ac.±
Area to be retained by J. Patrick Mullan = 8.87 Ac.±

Property Owners

1. Thomas F. Mullan, III
3820 Dance Mill Road
Phoenix, MD 21131
2. J. Patrick Mullan
4 Paddington Court
Baltimore, MD 21212

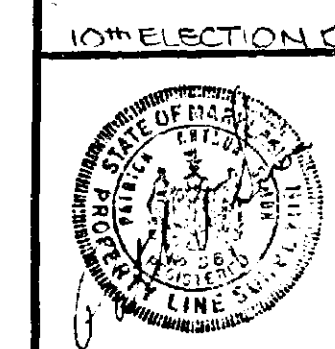


Zoning Map
Scale: 1"=200'



DAFT-McCUNE-WALKER, INC.
LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS
ENGINEERS
TOWSON, MD 21204
TELEPHONE: (410) 296-3333

PLAT TO ACCOMPANY PETITION FOR
ZONING VARIANCES
PROPERTY OF
J. PATRICK MULLAN
THOMAS F. MULLAN III



10th ELECTION DISTRICT BALTIMORE COUNTY, MD
SCALE:
1"=50'
JOB ORDER NO.
88003
ISSUE DATE
Feb. 24, 1989

PETITIONER'S
IA

PETITIONER'S
EXHIBIT 1A

PRINTED

JAN 24 1990

DAFT-McCUNE-WALKER, INC.

DATE	REVISIONS
6/17/89	Rev. Gary Miller & Peter
1/24/90	Rev. Gary Miller & Peter

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Lawrence E. Schmidt DATE: October 10, 1991
Zoning Commissioner
FROM: Arnold Jablon
Zoning Director

RE: Case No. 90-114A - *Pat. Jk*

I agree with your handling of the substitution. If you agree that the change is a minor refinement, then the manner in which you approved this particular plan is entirely appropriate.

AJ/cmm

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

TO: Arnold Jablon, Director October 7, 1991
Office of Zoning Administration
FROM: Lawrence E. Schmidt
Zoning Commissioner *LES*
SUBJECT: Case No. 90-114-A
Proposed Amendment to Zoning Commissioner's Order
of February 13, 1990

I recently was contacted by Bob Hoffman regarding an amendment to the Findings of Fact and Conclusions of Law issued by Bob Haines in the above case on February 13, 1990. That case involved a Petition for Zoning Variance for certain minimum buildings setbacks in an R.C.4 zone. The property involved is an 18.87 acre parcel (gross area) owned by J. Patrick Mullan and Thomas F. Mullan III.

Based upon my review of the file and conversation with Bob Hoffman, it appears that an amendment to the site plan was offered at the hearing which revised two of the three existing lots of record. A revision was necessary because the site plan submitted prior to the hearing provided for a lot of insufficient size to meet the requirements of an R.C.4 zone. Apparently, subsequent to the hearing, Mr. Hoffman's clients decided to alter the amendment by way of the transfer of a 7 acre parcel from that portion of the property marked Lot 1 to be added to that portion designated as Lot 2. Mr. Hoffman has discussed this proposal and received approval from both you and Pat Keller. For your reference, attached is a copy of his letter to you dated August 5, 1991 on which you signed off, as well as his letter to Mr. Keller dated July 19, 1991.

In that his present request is for the substitution of a site plan/exhibit offered in a hearing before the Zoning Commissioner, I believe that my approval is required. Further, my understanding of this office's practice is to accept the new site plan by initialing same and including it with the case file in lieu of conducting a new hearing and/or issuing a new Order. I intend on doing that in this case, as well as sending Mr. Hoffman a confirmatory letter. I believe this to be particularly appropriate in this matter in that there were no Protestants at the prior hearing, and the amendment is within the spirit and intent of Commissioner's Haines' opinion and Order.

I would appreciate your input as to my proposed manner of proceeding as set forth within this memorandum.

LES:mmm
encls.

VENABLE, BAETJER AND HOWARD
ATTORNEYS AT LAW

BALTIMORE, MD
WASHINGTON, D. C.
NORFOLK, VA
ROCKVILLE, MD
BETHESDA, MD

August 5, 1991

RICHARD W. VENABLE (18-28-1001)
EDWIN A. BAETJER (18-28-1002)
CHARLES M. HOWARD (18-28-1003)
ROBERT A. HOFFMAN

HAND-DELIVERED

Arnold Jablon, Director
Office of Zoning Administration
and Development Management
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Mullan Property; 10th Election District,
Baltimore County, Maryland; South of Redcoat
Lane, East of Dance Mill Road

Dear Arnold:

As you know from our previous discussion, a certain portion of a parcel of property referenced above and comprising seven acres in the R.C. 4 zone is the subject of a proposed transfer from Thomas F. Mullan, III to J. Patrick Mullan, his brother, for agricultural use (see site plan attached). Specifically, the legal owner desires to subdivide a ten-acre tract into a seven-acre lot and a three-acre lot with two existing dwellings.

This property was the subject of Case No. 90-114-A (copy enclosed), in which the Mullans obtained variances for building setbacks for the agricultural and residential structures on site. Patrick Mullan operates the Mullan farm, and this case approved new setbacks such that all the farm buildings were on Patrick's side of the line.

As you indicated in a conversation with me on July 11, 1991, and because ten acres in the R.C. 4 zone are entitled to two dwelling units, Tim would be permitted to make the transfer of the seven acres

Mr. Arnold F. Keller, III
July 19, 1991
Page 2

the seven acres are restricted to only open space or agricultural use, unless recombined with the three acres. Before making a final determination, Arnold has asked for a similar letter which will contain the proposed deed restrictions for both the seven and three-acre parcels.

We believe, and you indicated in our phone conference, that the proposed subdivision and transfer is exempt from the Baltimore County Development regulations as a transfer for agricultural purposes under Section 22-41 of the Baltimore County Code.

Please indicate your agreement that the proposed subdivision and transfer is exempt from the Development Regulations as an agricultural purpose by signing below.

Yours truly,
Robert A. Hoffman
Robert A. Hoffman

RAH/cac
Enclosures

ARNOLD F. (PAT) KELLER, III

VENABLE, BAETJER AND HOWARD
ATTORNEYS AT LAW

BALTIMORE, MD
WASHINGTON, D. C.
NORFOLK, VA
ROCKVILLE, MD
BETHESDA, MD

July 19, 1991

RICHARD W. VENABLE (18-28-1001)
EDWIN A. BAETJER (18-28-1002)
CHARLES M. HOWARD (18-28-1003)
ROBERT A. HOFFMAN

Arnold F. (Pat) Keller, III
Deputy Director
Baltimore County Office of
Planning and Zoning
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

RE: Mullan Property; 10th Election District,
Baltimore County, Maryland; South of
Redcoat Lane, East of Dance Mill Road

Dear Pat:

As you may know from our previous conversations, a certain portion of a parcel of property referenced above and comprising seven acres in the R.C.4 zone is the subject of a proposed transfer from Thomas F. Mullan, III to J. Patrick Mullan, his brother, for agricultural use (see site plan attached). Specifically, the legal owner desires to subdivide a ten-acre tract into a seven-acre parcel for conveyance as an agricultural use, and a three-acre parcel with two existing dwellings.

This property was the subject of Case No. 90-114-A (copy enclosed), in which the Mullans obtained variances for building setbacks for the agricultural and residential structures on site. Patrick Mullan operates the Mullan farm, and this case approved the modification of the property line such that all of the farm buildings were placed within his holdings.

I met with Arnold Jablon on July 11, 1991, and he indicated that Tim can make the transfer of the seven acres with the existing dwellings (one of which is non-conforming) remaining on the three-acre lot, so long as

ORIGINAL
DRAFT

Arnold Jablon, Director
August 5, 1991
Page 2

with the existing dwellings (one of which is non-conforming) remaining on a three-acre lot, so long as the seven acres are restricted to only open space or agricultural use, unless recombined with the three acres. However, you suggested meeting with Jim Dyer for additional feedback.

Following the meeting with Mr. Dyer and after additional conversations with you, it was apparent the subdivision would be permitted only with appropriate and comprehensive deed restrictions on both the seven-acre and three-acre parcel. Language documenting these restrictions will be incorporated into both deeds and will state that the transfer between the Mullans is intended to create a seven-acre tract for agricultural purposes, with the remaining three-acre parcel retained for use of the two existing dwellings. It will be stated that one of the two dwellings is considered non-conforming. Also, reference will be made to Case No. 90-114-A and the relief granted therein. More importantly, the respective deeds will also contain the following binding, restrictive language.

1. Deed for seven-acre parcel:

PROVIDED, HOWEVER, that the Property herein conveyed shall be used only for open space or agricultural purposes and no residential dwelling unit may be constructed thereon, in perpetuity, unless the Property is combined with an adjacent parcel containing sufficient acreage and density to permit the construction of residential dwelling(s) or the property is rezoned to permit additional residential dwelling(s).

2. Deed for three-acre parcel:

PROVIDED, HOWEVER, that the Property herein conveyed (which currently contains two (2) residential dwellings) shall not be subdivided for any purpose in perpetuity, unless the Property is recombined with the Grantor's approximately seven-acre parcel described on Exhibit B attached hereto, which parcel is immediately adjacent to the Property conveyed herein, in which case, the Property may be subdivided so that each residential dwelling is on a separate lot, if in accordance with all then-existing zoning and development regulations. In addition, the property has density to support only two residential dwellings and no additional residential dwelling may be constructed on the Property, in perpetuity, unless the Property is rezoned to permit additional residential dwelling(s) or the Property is combined with an adjacent parcel containing sufficient acreage and density to permit the construction of additional residential dwelling(s).

These deeds will be presented to you for your review prior to any transfer or conveyance.

Arnold Jablon, Director
August 5, 1991
Page 3

Please indicate your concurrence that the proposed subdivision may occur under the conditions stated herein by signing below.

Yours truly,
Robert A. Hoffman
Robert A. Hoffman

RAH/tls
cc: James E. Dyer, Zoning Supervisor
OK *RAH*

ARNOLD JABLON

Date 8/15/91

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Lawrence E. Schmidt DATE: October 11, 1991
Zoning Commissioner
FROM: Arnold Jablon
Zoning Director
RE: Case No. 90-114A

I agree with your handling of the substitution. If you agree that the change is a minor refinement, then the manner in which you approved this particular plan is entirely appropriate.

AJ/cmm

OK -
Send
letter to
RAH
LES

file in
Zoning file
SES

FOR ROS-
MONDAY
(Here are Mullan
materials for your
meeting)



Baltimore County Zoning Commissioner
Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard
210 Allegheny Avenue
P.O. Box 5517
Towson, Maryland 21285-5517

IN RE: PETITION FOR ZONING * BEFORE THE
VARIANCE - SE/S REDCOAT LANE, * ZONING COMMISSIONER OF
440' FEET +/- N OF C/L * BALTIMORE COUNTY
OF DANCE MILL ROAD (3820 *
DANCE MILL ROAD) *
10TH ELECTION DISTRICT * CASE NO.: 90-114-A
6TH COUNCILMANIC DISTRICT *
THOMAS F. MULLAN, III *
J. PATRICK MULLAN, PETITIONERS *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a Zoning Variance from Section 1A03.4.B.4 Baltimore County Zoning Regulations ("B.C.Z.R.") to permit building setbacks of 12 feet, 15 feet, 20 feet, 21 feet and 39 feet in lieu of the required 50 feet for certain agricultural and residential structures in an R.C.4 Zone, due to a new subdivision of the property, as more particularly described on Petitioner's Exhibit 1A.

The Petitioners appeared, and were represented by Robert A. Hoffman, Esquire, who proffered the testimony. Also appearing on behalf of the Petitioners was George E. Gavrelis, an expert land planner with Daft-McCune-Walker, Inc. Arthur I. Judge, a neighbor of the Petitioners, appeared as an interested party. There were no protestants.

Mr. Hoffman testified that the Petitioners are brothers who owned adjoining land located on Dance Mill Road near Redcoat Lane (Patrick Mullan now owns all of the property shown on Petitioner's Exhibit 1). Mr. Hoffman stated that over the years the Petitioners had shared together in horse-

VENABLE, BAETJER AND HOWARD
ATTORNEYS AT LAW

BALTIMORE, MD
WASHINGTON, D. C.
MCLEAN, VA
ROCKVILLE, MD
BETHESDA, MD
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21285-5517
(301) 823-4111
FAX (301) 821-0147

October 21, 1991

WRITER'S DIRECT NUMBER IS
494-9171

Lawrence E. Schmidt, Esquire
Zoning Commissioner of Baltimore County
Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Mullan Property
Case No. 90-114-A

Dear Mr. Schmidt:

Thank you for your letter to Rob Hoffman dated October 7, 1991 regarding the above-referenced property. I am writing at Mr. Hoffman's request to confirm that we prepared Deeds for the parcels to be transferred which contained the required binding and restrictive language, that such Deeds were reviewed and approved by Pat Keller and Arnold Jablon, and that the Deeds have been fully executed and recorded in the Land Records of Baltimore County. This should satisfy the outstanding condition placed on your acceptance of the revised plan noted in your letter dated October 7, and resolve all outstanding matters relating to Case No. 90-114-A.

Thank you for your cooperation in this matter.

Sincerely,

Michael Brennan
J. Michael Brennan

JMB/dok

cc: Robert A. Hoffman, Esquire
Thomas F. Mullan, III
J. Patrick Mullan

RECEIVED
OCT 22 1991
ZONING OFFICE

